

**TENNESSEE JUDGE'S BENCH CARD FOR QUALIFYING COURT
INTERPRETERS FOR LIMITED ENGLISH PROFICIENCY (LEP) CASES**

Determining the Language Spoken

Step 1

If you need to determine the language spoken by an individual, you may refer the individual to the **Language Identification Flashcard** developed by the U.S. Census Bureau, which is attached to this bench card. The individual can check or point to the box that indicates which language he/she speaks. Once the language has been identified, a court interpreter can be appointed if necessary.

Appointing an Interpreter

Step 2

Appointing an interpreter is a matter of judicial discretion. The court shall, pursuant to SCR 42, appoint an interpreter according to the following preferences:

- (1) Certified
- (2) Registered
- (3) Non-Credentialed

It is important to appoint according to preferences as certified interpreters have passed all credentialing requirements. Registered interpreters are either waiting to take the oral exam or have not passed all parts. Non-credentialed interpreters either have not been tested or not passed any exam.

Locating a Certified or Registered Interpreter

Step 3

The AOC maintains a roster of interpreters at www.tncourts.gov. Once on the AOC webpage, click on "Programs". On the left hand side of the page, click on "Find a Court Interpreter". The roster is arranged alphabetically by language and then by city. Should you need an interpreter in a language other than Spanish not listed on the roster, please contact the AOC at (615) 741-2687.

*****Credentialed interpreters are willing to travel statewide. Should there not be a credentialed interpreter in your county, please contact one in another locality.***

When Should a Non-Credentialed Interpreter be Appointed?

A non-credentialed interpreter may be appointed only if neither a certified nor a registered interpreter is reasonably available AND "the court has evaluated the totality of the circumstances including the gravity of the judicial proceeding and the potential penalty or consequence involved." (SCR 42) If a language is not listed on the court roster, services of a non-credentialed interpreter may be utilized.

Who is Responsible for Securing the Services of an Interpreter?

The Supreme Court rules do not specify whether the prosecutor, defense counsel, or court is required to secure the services of an interpreter. The trial court can resolve this matter by issuing an order placing the burden on the person or persons the court deems appropriate. The judicial district may wish to consider adopting a local rule which sets out who has responsibility for securing the services of an interpreter.

When to Use Multiple Interpreters

If the court expects the hearing or trial to last for several hours or days, the court may wish to appoint two interpreters. Due to the level of concentration required to accurately conduct a simultaneous interpretation, interpreters require frequent breaks. If the court appoints two interpreters, they can conduct a continuous interpretation by alternating, thereby allowing the court to conduct the proceedings without unnecessary delays or interruptions.

Rules that Govern the Appointment, Credentialing, and Compensation of Interpreters

Tenn. R. Crim. P. 28
Tenn. S. Ct. Rules 13, 41, and 42
Tenn. R. Civ. P. 54
Tenn. R. Evid. 604
Tenn. Code Ann. § 16-3-813

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Voir Dire to Determine Qualifications of an Interpreter

Prior to commencing the proceeding, the interpreter should be qualified on the record. If the interpreter is certified or registered, the judge may want to use a more abbreviated voir dire. A list of potential voir dire questions follow.

- Do you know or are you related to the defendant, counsel, witnesses, or any party to this case?
- Are you aware of any reason that your impartiality may be questioned?
- Do you speak _____?
- Can you read and write both languages?
- Have you completed any training to qualify you as an interpreter? If so, please describe.
- Have you been qualified as an interpreter by any court?
- Do you have any experience in simultaneous interpreting?
- Do you have any experience in consecutive interpreting?
- Do you understand that as an interpreter you must interpret everything, and that you may not summarize the testimony or other proceedings?
- Have you had an opportunity to speak with the defendant(s) or witness(es)?

Languages Other Than Spanish

For cases in which the interpreter is to be paid by the AOC from the indigent defense fund, Tennessee Supreme Court Rule 13 allows courts to approve a "reasonable rate" for languages other than Spanish "if the court finds that the rates are inadequate to secure the services of a qualified interpreter." For cases involving non-indigent parties, the interpreters' fees are to be charged as court costs making guidelines for Rule 13 inapplicable.

Interpreter Compensation

(Applicable to criminal indigent cases only)

Certified interpreters are compensated at a rate of \$50 per hour, with a \$500 daily max.

Registered interpreters are compensated at a rate of \$40 per hour, with a \$400 daily max.

Non-credentialed interpreters are compensated at a rate of \$25 per hour, with a \$350 daily max.

Interpreters are also paid a 2 hour minimum when providing in-court interpretation. Review or transcription/translation of audio or video tapes is compensated according to the rates above. Document translation is compensated at a rate of \$.20 per word.

For inquiries regarding what services may be assessed against the Indigent Defense Fund, please contact Sandy Bratton at (615) 741-2687.

Please be sure to sign the "Request for Payment of Interpreter Services" form at the end of each hearing or trial.

Court Interpreter Credentialing Program Contact Information

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